

**JOINT STATEMENT  
OF  
AT&T CONNECTICUT,  
CELLCO PARTNERSHIP d/b/a VERIZON WIRELESS,  
T-MOBILE NORTHEAST LLC AND SPRINT NEXTEL**

**Regarding Raised Senate Bill No. 206  
An Act Concerning Local Land Use Agencies  
and the Siting of Telecommunications Towers**

**Proposal:**

Raised Senate Bill No. 206 would subject applications for telecommunications towers under Section 16-50i(a)(6) to the municipal regulate and restrict order process described in Section 16-50x(d) of the General Statutes. The regulate and restrict order process through the affected municipality is currently restricted to electric generating facilities and electric substations or switchyards, which are also under the Connecticut Siting Council's (Council) jurisdiction.

**Background:**

As the Environment Committee is aware, the Council was established more than thirty (30) years ago and is charged with reviewing and making decisions on applications for the siting of certain "facilities" defined in Section 16-50i(a) of the General Statutes. Generally, the "facilities" over which the Council has jurisdiction are limited to electric transmission lines, fuel transmission facilities, electric generating facilities, electric substations, CATV head-end facilities and telecommunications towers. The Council maintains exclusive jurisdiction over the siting of these facilities and its authority pre-empts local land use (e.g., zoning and inland wetlands) authority. Left to a municipalities' local zoning and wetland authority, many of these important "facilities" of regional and state-wide significance might otherwise never be developed. Recognizing this, the legislature established the Council as the single State agency with the experience and appropriate skill set to facilitate local, regional, statewide and interstate planning for the appropriate siting of these facilities.

**Comments:**

AT&T Connecticut, Cellco Partnership d/b/a Verizon Wireless, T-Mobile Northeast LLC and Sprint Nextel (the "Wireless Carriers") oppose this bill and urge the Environment Committee to reject it because, as discussed more fully below, it is unnecessary, could be overly burdensome for municipalities and could thwart the siting of facilities that have been identified as "critical national infrastructure" by President Obama.

First and foremost, the proposed legislation is unnecessary as municipalities are already afforded numerous opportunities to play a significant role in the Council review and approval process. Initially, municipalities are generally contacted as a part of a potential applicant's site search process to determine if municipal property or particular locations within a town were preferred. Once a site has been selected, applicants are then required to provide municipalities with

technical information regarding the public need and potential environmental effects of a facility at least sixty (60) days before an application can be filed with the Council. As part of this consultation process, municipalities are already provided with the statutory authority to conduct public hearings and meetings and issue recommendations to the applicant and the Council regarding the proposed facility. Once the application is filed with the Council, if requested, the Town is automatically made a party to the Council proceeding pursuant to statute. Moreover, even if a Town does not submit a request to be made a party, the Council solicits input from the municipality on the proposal. The municipalities' concerns, comments, recommendations and preferences are all then incorporated into the Council record and are given significant weight by the Council in its decision-making process.

In addition to these procedural elements that promote municipal involvement, this legislature, as recently as 2007, took significant steps to give municipalities more say in the planning and development of telecommunications facilities state-wide. P.A. 07-222 for example, established the municipality's right to request, from each individual carrier, a telecommunications coverage assessment describing areas where service is lacking and where future needs may exist in a particular town. This act also requires the Council to solicit from the host municipality specific tower location preferences, and to consider these preferences in its review of a tower proposal.

Furthermore, wireless telecommunications facilities are very different from the facilities (e.g., generating facilities and substations) that are currently subject to the regulate and restrict process. Generating facilities and electric substations will more likely affect only the host municipality. Greater municipal involvement through the regulate and restrict order process for these types of facilities makes sense. However, because wireless telecommunications facilities are part of a larger network, where those towers are sited impacts the design of the wireless network as a whole. Accordingly, wireless telecommunications facilities must be sited in areas that will connect to other parts of the network much like transmission lines and natural gas pipelines, which are not currently subject to the regulate and restrict process. Only through this interconnectivity, can wireless telecommunications providers ensure that they have the ability to develop what the President has identified as "critical national infrastructure." (See Presidential Proclamation 8460, Critical Infrastructure Protection).

Lastly, the Federal Communications Commission (FCC) recently imposed certain deadlines by which State and local governments must issue decisions regarding proposed wireless telecommunications facilities. In particular, the FCC now generally requires that the siting application process for a wireless telecommunications tower be completed within 150 days. The establishment of new applications and the additional timing associated with the tower siting process will make it very difficult if not impossible for the statutory siting process in Connecticut to comply with the FCC's deadline. Failure to do so, could subject the Council to claims that it failed to act in a timely manner. Successful claims against the Council could result in a court, rather than the State agency with expertise in the area, deciding whether a wireless telecommunications facility should be sited in a particular area.

### **Conclusion:**

Most of Connecticut's 169 municipalities have had experience with the Council. Certain municipalities choose to take an active role in the Council process while others choose a more

passive approach. Those municipalities that wish to actively participate already have a variety of statutory provisions that provide them with the following authority: (a) the right to meet with the applicant and receive information about the proposed facility prior to an application being filed with the Council; (b) the right to request and receive coverage assessments from each carrier; (c) the ability to hold public meetings and hearings; (d) the authority to issue recommendations to the applicant regarding the proposed facility; (e) the authority to submit any location preferences or criteria it may have for the siting of the facility to the Council for consideration; and (f) to automatically be made a party, upon request, and actively participate in the Council proceeding. Because it is unnecessary, could be overly burdensome for municipalities and could thwart the siting of facilities that have been identified as "critical national infrastructure" by President Obama, the Wireless Carriers oppose Raised Senate Bill No. 206 and urge the Committee to reject it.

## **The American Presidency Project**

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• Barack Obama

**Proclamation 8460 - Critical Infrastructure Protection Month, 2009**

December 2, 2009

*By the President of the United States of America*  
**A Proclamation**

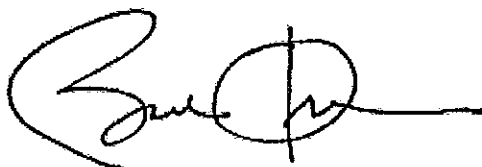
Critical infrastructure protection is an essential element of a resilient and secure nation. Critical infrastructure are the assets, systems, and networks, whether physical or virtual, so vital to the United States that their incapacitation or destruction would have a debilitating effect on security, national economic security, public health or safety. From water systems to computer networks, power grids to cellular phone towers, risks to critical infrastructure can result from a complex combination of threats and hazards, including terrorist attacks, accidents, and natural disasters. During Critical Infrastructure Protection Month, we pledge to work together to shelter our communities from the harm of uncertain threats.

My Administration is committed to ensuring our country's essential resources are safe and capable of recovering from disruptive incidents. The Department of Homeland Security is leading a coordinated national program to reduce risks and improve our national preparedness, timely response, and rapid recovery in the event of an attack, natural disaster, or other emergency. The Department, in collaboration with other Federal stakeholders, State, local, and tribal governments, and private sector partners, has developed the National Infrastructure Protection Plan (NIPP) to establish a framework for securing our resources and maintaining their resilience from all hazards during an event or emergency.

During Critical Infrastructure Protection Month, we rededicate ourselves to safeguarding and strengthening our Nation's infrastructure. Additionally, members of the public and private sectors should work with their appropriate State, regional, and local authorities to engage in critical infrastructure protection activities being coordinated across the country. Americans can learn more about the NIPP and its partnership framework by visiting: [www.dhs.gov/criticalinfrastructure](http://www.dhs.gov/criticalinfrastructure).

Now, Therefore, I, Barack Obama, President of the United States of America, by virtue of the authority vested in me by the Constitution and the laws of the United States, do hereby proclaim December 2009 as Critical Infrastructure Protection Month. I call upon the people of the United States to recognize the importance of partnering to protect our Nation's resources and to observe this month with appropriate events and training to enhance our national security and resilience.

In Witness Whereof, I have hereunto set my hand this second day of December, in the year of our Lord two thousand nine, and of the Independence of the United States of America the two hundred and thirty-fourth.



BARACK OBAMA

Citation: John T. Woolley and Gerhard Peters, *The American Presidency Project* [online]. Santa Barbara, CA. Available from World Wide Web: (<http://www.presidency.ucsb.edu/ws/?pid=86954>).

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